

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-

NET FISCAL IMPACT

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included In Current Budget? Yes ___ No ___

Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

There is no fiscal impact associated with this agenda item.

[Handwritten Signature] 12-4-07
 OFMB
 actw 12-4-07
 CN 12/3/07

[Handwritten Signature] 12/4/07
 Contract Dev. and Control

B. Legal Sufficiency:

[Handwritten Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

Albert P. Massey, III
Chair
Charles Lydecker
Vice Chair
Michael W. Brown
Cheryl Forchilli
Latour "LT" Lafferty
Roy Rogers
Thomas P. Scarritt, Jr.



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RECEIVED

NOV - 1 2007

RENISE M. NIEMAN
COURTY ATTORNEY

October 30, 2007

RECD NOV 01 2007

Mr. Robert Weisman
Palm Beach County, County Administrator
P.O. Box 1989
West Palm Beach, FL 33402

Re: Westgate/Belvedere Homes Community Redevelopment Agency – Financial Disclosure –
"Local Option"

Dear Mr. Weisman:

The statutory definition of who is a "local officer" for purposes of financial disclosure has been amended in recent years, and in the process of developing the annual list of filers, our staff has determined that there are boards on the list who should no longer be on it. We have identified the Westgate/Belvedere Homes Community Redevelopment Agency as one such board.

In CEO 03-5, the Commission opined that members of a dependent special district were not "local officers" for purposes of financial disclosure because Section 112.3145(1)(a)2, Florida Statutes, lists only "independent" special districts and *not* "dependent" special districts. Therefore, members of the dependent special district in CEO 03-5—a health facilities authority—were not required to file the annual statement of financial interests (CE Form 1). Our staff believes that the rationale of CEO 03-5 is applicable to the Westgate/Belvedere Homes Community Redevelopment Agency with the same result: its members are not required to file financial disclosure.

However, as referenced in CEO 03-5, Section 112.3145(1)(a)2.g, Florida Statutes, contains a "local option" that the appointing authority can exercise to require members of the Westgate/Belvedere Homes Community Redevelopment Agency to file financial disclosure. Essentially, it expands the definition to "local officer" to include:

Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing

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ORDINANCE NO. 2007-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, SECTIONS 2-231 THROUGH 2-234, CODIFYING PALM BEACH COUNTY ORDINANCE NO. 89-6, AS AMENDED BY ORDINANCE 1-50, PERTAINING TO WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR FINANCIAL DISCLOSURE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida Commission on Ethics determined that Westgate/Belvedere Homes CRA members are no longer required to file financial disclosures as "local officers"; and

WHEREAS, Section 112.3145(1)(a)2.g, Florida Statutes, allows The Board of County Commissioners to require the filing of financial disclosures to the state by imposing such a requirement by ordinance; and

WHEREAS, The Board of County Commissioners has determined it is appropriate to require such financial disclosure.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Palm Beach County Code Sections 2-231 through 2-234 codifying Palm Beach County Ordinance No. 89-6, as amended, shall be further amended as follows:

Section 1. FINANCIAL DISCLOSURE:

Section 2-333 (l) is hereby added as follows:

The Commissioners of the agency shall be required to file a statement of financial interests pursuant to Florida Statutes 112.3145.

Section 2. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. SAVINGS CLAUSE:

Notwithstanding anything to the contrary, all provisions of Palm Beach County Code Sections 2-231 through 2-234, codifying Palm Beach County Ordinance No. 89-6, as amended, are specifically preserved and remain in full force and effect for the limited purpose of enforcing any alleged violations of said Code which occurred prior to its repeal or amendment.

1 **Section 4. SEVERABILITY:**

2 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
3 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such
4 holding shall not affect the remainder of this Ordinance.

5 **Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

6 The provisions of this Ordinance shall become and be made a part of the Palm Beach
7 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such,
8 and the word "ordinance" may be changed to "section," "article," or other appropriate word.

9 **Section 6. ENFORCEMENT:**

10 This Ordinance is enforceable by all means provided by law. Additionally, the County may
11 choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach
12 County.

13 **Section 7. PENALTY:**

14 Any violation of any portion of this Ordinance shall be punishable as provided by law.

15 **Section 8. CAPTIONS:**

16 The captions, section headings, and section designations used in this Ordinance are for
17 convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

18 **Section 9. EFFECTIVE DATE:**

19 The provisions of this Ordinance shall become effective upon filing with the Department of
20 State.

21 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
22 County, Florida, on this the ____ day of _____, 2007.

23 **SHARON R. BOCK**
24 **CLERK AND COMPTROLLER**
25 **PALM BEACH COUNTY**

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

27 By: _____
28 Deputy Clerk

27 By: _____
28 Addie L. Greene, Chairperson

30 **APPROVED AS TO FORM AND**
31 **LEGAL SUFFICIENCY**

32 By: 
33 _____
34 County Attorney

36 **EFFECTIVE DATE:** Filed with the Department of State on the ____ day of
37 _____, 2007.